

Just

Convicts—Port Blair.

Remission of sentence and release of —.

No. 317.

JUDICIAL DEPARTMENT.

Bombay Castle, 18th January 1909.

Memorandum from the Superintendent of Port Blair, No. 97, dated the 18th December 1908—Communicating particulars* regarding certain transmarine convicts at Port Blair, who are to be released during the month of January 1909.

ORDER.—Ordered that the officers concerned be informed, with reference to Government Circular No. 4243, dated the 6th August 1890.

— (Signed) J. E. B. HOTSON,
Under Secretary to Government.

To—

The Commissioner in Sind,
The Commissioner, S. D.,
The Inspector-General of Prisons,
The Inspector-General of Police,
The Deputy Inspector-General of Police, Southern Range,
The Deputy Inspector-General of Police for Sind,
The District Magistrate, Hyderabad,
The District Magistrate, Dhárwár,
The District Superintendent of Police, Hyderabad,
The District Superintendent of Police, Dhárwár.

* Printed on the reverse.

Jud 15

No. 702 of 1909. 29/1/09
with compliments

Copy forwarded for information and guidance to, *The Diwan*

District Magistrate, Government

[Signature]
Head Clerk

No 58 of 1909 to the Collector of Dharr.

In response to 1/24/09 Forwarded to the District Superintendent of Police Saranum for note of submission
3/2/09
[Signature]

Supplementary list containing particulars regarding certain transmarine convicts at Port Blair who are to be released during the month of January 1909.

Serial number.	Port Blair number.	Name of prisoner.	Father's name.	Caste.	Religion.	Native of what place.			Trade or profession.	Crime.	Date of sentence.	Period of imprisonment.	By what Court sentenced.	Date of release.	Remarks.
						Town or Village.	Pargana or Taluka.	District and Province.							
1	21148	Fakira.	Hanmapa.	Talwar.	Hindu.	Records Chinalli Convict's statement. Kaledelapur.	Hongol.	Dhárwár.	Cultivation.	Section 433, Indian Penal Code.	23rd December 1899.	10 years.	Sessions Court, Dhárwár.	14th January 1909.	Remission earned— Y. m. d. Ordinary ... 0 1 13 Special ... 0 10 0 Total ... 0 11 13
2	21142	Irappa.	Fakirappa.	Lingayat.	Do.	Hottan Halli.	Savnur State.	Do.	Do.	Section 395, Indian Penal Code.	27th December 1899.	Do.	Do.	15th January 1909.	Ordinary ... 0 1 11 Special ... 0 10 0 Total ... 0 11 11
3	21147	Giria.	Hanma.	Talwar.	Do.	Chinalli.	Hongol.	Do.	Do.	Section 433, Indian Penal Code.	28th December 1899.	Do.	Do.	17th January 1909.	Ordinary ... 0 1 10 Special ... 0 10 0 Total ... 0 11 10
4	21140	Bangal.	Allahdad.	Chandu.	Mahomedan.	Násir Chandio.	Dero Mohbat.	Hyderabad, Sind.	Do.	Sections 395 and 398, Indian Penal Code.	12th December 1899.	Do.	Sessions Court, Hyderabad (Sind).	1st January 1909.	Ordinary ... 0 1 10 Special ... 0 10 0 Total ... 0 11 10

Below no 58 of 3/2/09 from the Dewan

No 45

Returned with Compliments.

2 The prisoner has on his release
come down to Botankhelli

26/4/09
Dewan


P. Sub-D.

file
15/5/09

Modification of the rules regarding diet in Prisons and Subsidiary Jails.

No. 10217, dated the 4th November 1908.

From—The Inspector-General of Prisons, Bombay Presidency ;

To—The Secretary to Government, Judicial Department, Bombay.

I have the honour to forward copy of a letter* from the Commissioner, Central Division, in which he asks that an authoritative scale of food for under-trial prisoners detained in Third Class Subsidiary Jails should be determined and that the one and a half anna price limit be discontinued.

2. The latest ruling regarding the scale of food for prisoners will be found in the appendix to Government Resolutions No. 5891, dated 13th August 1897. In this appendix nothing has been said regarding rations for prisoners in Third Class Subsidiary Jails.

3. In 1883, the Inspector-General of Prisons issued a circular (copy* attached), laying down a scale of diets for Subsidiary Jails and this was intended to supersede all former orders on the subject. Curiously enough this circular would appear to have been lost sight of and Circular No. 4279, dated 21st August 1878 (copy* attached), is the one that has been in force, at any rate to my knowledge, for the last ten years. The procedure is that all prisoners in Subsidiary Jails receive a daily ration which is not to cost more than one anna, six pies. It happens in time of scarcity that the District Magistrate cannot obtain sufficient food for this sum. He then represents the matter and the Inspector-General sanctions further expenditure, asking him to bring the cost of the ration back to one anna and six pies as soon as he can possibly do so.

4. What Mr. Morison says is quite correct, and it is clear that a price limit is not desirable and that a fixed amount of food is what should be prescribed.

5. In Third Class Subsidiary Jails will be found convicted and under-trial prisoners, both males and females. Few prisoners remain long in these jails and prisoners sentenced to hard labour have rarely any labour to perform. Under these circumstances I think that there should be only one scale for all. Not only will it be more simple for the Magistrate who has to make the necessary arrangements but the prisoners are more likely to obtain their proper rations. As prisoners are detained for such a short time in these jails and as they have little or no work to do, I would recommend the following scale of diet for all prisoners detained in Third Class Subsidiary Jails :—

Flour staple grain in diet.	Fuel.	Dhal.	Vegetables.	Condiments.	Salt.	Oil.
lb. ozs. 1 4	lbs. 2	ozs. 4	ozs. 4	drs. 4	drs. 8	drs. 8

No. 1389.

JUDICIAL DEPARTMENT.

Bombay Castle, 8th March 1909.

RESOLUTION.—The following rules should be inserted in the rules regarding diet in Prisons and Jails appended to Government Resolution No. 5891, dated the 13th August 1897 :—

" 31-A. The scale for native male and female convicts of all classes and under-trials in Third Class Subsidiary Jails shall be the same as scale No. IX."

* Not printed.

"31-B. Should any native male convict confined in a Subsidiary Jail be employed on *bona fide* hard labour, as described in Rule 9, he should be allowed diet on scale No. V, provided he gives full task."

2. The Inspector-General of Prisons should be requested to issue the necessary correction slip to the Bombay Jail Manual.

(Signed) J. E. B. HOTSON,
Under Secretary to Government.

To

The Inspector-General of Prisons,
The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All District Magistrates,
The Surgeon-General with the Government of Bombay,
The General Department,
The Political Department.

Order No. 2752 of 1909. *Copy*

Copy forwarded for information and guidance to *The Dewan of*

Garnwar

R. B. M. B. B.
Head Clerk,
to the Collector of Dharwar.

*Amendment
Slip*

24/1/09

*What is the
Scale - 1000
24/1/09*

*Sh. M. B. B.
11/1/09*

Orders on certain questions ^{just} raised in -
connections with the remission of sentences
granted to prisoners on the occasion of
the 50th anniversary of the assumption by the
Crown of the direct admin. of India

N^o. 5025.

Pd. Deptt.

Bombay Castle, 21st July 08.

Letter from the As Insp. Gen. of Prisons,
Bombay Presy, N^o. 6464, of the 9th June 09:-

"In connection with the remission
granted to prisoners on the 50th anniversary of the
assumption of direct admin. in India by the
Crown, I have the honor to submit the following
questions for favour of decision.

"2. On the 29th Oct 08 Mr Alexander issued
instructions with regard to paragraph IV"
N^o 240 of 22nd Oct 08, from the Secy to the
Govt. of India, Home Deptt., that no remission
shd be granted for fractions of sentence above
one year.

"3 The Insp. Central Prison, Hyderabad,
now informs me that he has recd. an intimation
from the Asst. Commr. Sibi, increasing the
remission granted to certain Baluchistan
prisoners by counting these fractions of -
sentence as a year, & the Insp. Hyderabad
Central Prison enquires whether this extra

Emission should be granted.

4... I propose to answer his query in the affirmative, but I don't think this new reading should apply to other prisoners in Bombay Jails whose cases have been decided on Mr. Alexander's ruling, as it will lead to a very great deal of trouble & work in the various prisons. I attach copy of letter of Govt. of India.

"5. The second question is as follows:-

Paragraph 2, J.D. No. 65-66 of 12/12/08, lays down that a prisoner, who has two convictions (whether incurred during the present term of imprisonment or before) in addition to the sentence they are undergoing is debarred remissions. I have taken this to mean that if a man is sentenced for three distinct separate offences (say, theft), he is debarred. Whether the sentences were all awarded on one day or at separate trials. But if a prisoner is sentenced for separable offences which are not distinct offences, I have not debarred him, e.g., if a prisoner with one previous conviction has been sentenced under two sections for what was practically the one crime.

"(As the Hon. J.C.P. has referred to me a case of this kind, I have thought better to submit it

to look for favour of decision.

" A prisoner is sentenced under §§ 458, 114, 392 & 394 of the I.P.C. - abetment, house trespass or house breaking, Robbery, Voluntary causing hurt in robbery, - to two years' rigorous imprisonment & Three months' rigorous imprisonment or Rs. 500 fine. As this was all the one crime, I consider the prisoner should get remission.

copy of a letter No. 407 J.B., dt. 24/2/08 from the Asstl Secy to the Govt of India in the Foreign Dept. to the Hon. the Agent to the Governor Gen. & Chief Commr. in Baluchistan,

" I am directed to refer to your ^{letter} No. 55-8 dt. the 11th Jan 1908, in which you ask for orders on the following points in connection with the release & remission of sentences of prisoners on the occasion of the 50th anniversary of the assumption of direct administration of India by the Crown:—

" I am directed to refer to your letter No. 55-8, dt. the 11th Jan 08, in which you ask for orders on the following points in connection with the release & remission

of sentences of prisoners on the occasion
of the 50th anniversary of the assumption
of Direct Administration of India by
the Crown

- (1) whether remission shd. be allowed
on fractions of a year,
- (2) whether the period of imprisonment
awarded in default of payment of
fine shd. be added to, or excluded from,
the substantive sentence for the
purpose of calculating remission.

"2. In reply I am to say:-

(1) That broken periods not exceeding
six months shd. carry 15 days' remission
& broken period exceeding six months shd.
carry one month's remission; &

(2) That the sentence in default
of payment of fine shd. be added to the
substantive sentence for the purpose
of calculating remission. The procedure
adopted by you in this respect was therefore
correct."

Letter from the Secy to Govt. J.D.
Bombay No. 3874 of 6/7/09.

I am directed to acknowledge the
recd of your letter No. 6464 of the 28 June, 1904,
submitting for orders the following questions
in connection with the remission of sentences
granted to prisoners on the occasion of the
50th anniversary of the assumption by the
Crown of direct admin. of India.

(1) Whether the additional remission
allowed on broken periods of sentence to
certain Baluchistan prisoners by the
Asst Commr, Sibi, ^{accordance with the} in order of the Govt
of India in the Foreign Deptt, shd be
granted to them;

(2) Whether similar additions shd be
made to the remissions granted to other
prisoners in the Bombay jails; &

(3) What is the exact interpretation
of the ruling that no remission shd be
given to prisoners who have had conviction
in addition to the sentence they are under-
going.

"2. In reply, I am to state as follows

(1) The additional remissions ^{allowed} granted
to Baluchistan prisoners shd be granted to them.

(2) The cases of other prisoners confined

In the jails of this Presidency shall be dealt with in accordance with the interpretation placed on the occasion by the Govt of India in the Foreign Dept. Govt fully recognise that this will throw considerable additional labours on the prison officials, but they do not see how the Bombay prisoners can be treated less favourably than those of other Provinces.

3. The interpretation contained in para. 8 of your letter under reply is correct."

Memorandum from the Jd. of the Secretariat, No. 3815, of the 6th July 09 - Forwarding a copy of the above correspondence.

order - ordered that copies of the foregoing ltrs be fd to all P.D. Offices for info in contr. of Govt order No. 2344 of 26/3/09.

Sd/- J. D. Scott, As Under Secretary

No. 5826

for info, 30th July 09.

copy of ltr with complts to the Ad. A with ref. to this office No. 2841 of 23/4/09.

Sd/- R. B. Panchas

No. 508 for P. A. 23/8/09.

to the Divan of Jas. for info & guidance the ltr to be reld. after taking the copy of it
Sd/- C. W. A. Jones

No. 659 of 09. 14 Sept 09.

Retd. with complts. - A copy of the ltr. is taken for this office use.
at 11th -
- Divan

Copy accompanimwnt to G.R.J.D. No. 1068 dated ---
7th February 1912. *Jail*

-VVVVVVVVVVVVVVVVVVVVV-

"Procedure to be followed in connection with --
the release from British Jails of prisoners belonging to
Native States who are released subject to Police surveillance.

No. 391,- dated the 2nd Dec. 1910.

From

The Deputy Secretary to the Government of India,
Home Department (Jails).

To

The Secretary to Government, Judicial Department,
Bombay.

I am directed to refer to the correspondence ---
ending with your letter No. 5304 dated 24th September 1907
regarding the procedure to be followed in connection with
the release from British Jails of prisoners belonging to
Native States who are released subject to the Police ---
surveillance.

2. The rules regulating the earning of remission ---
of sentence by prisoners, which were published with the ---
Home Department Resolution No. 12-Jails-500-10 dated the
31st ~~Feb~~ August 1896, contained a provision that the period of --
remission earned by certain classes of prisoners should be
passed under such Police surveillance as the local Government
may prescribe. This provision was omitted from the revised
rules published with the Home Department Resolution Nos. 161-
-172 dated the 25th June 1908, but to these rules a footnote
containing instructions in the same sense was appended. It
is understood that the rules have been prescribed by some
local Governments containing instructions as to the manner
in which surveillance shall in such cases be carried out by
the Police and imposing conditions to which the released ---
convict is to be subjected. I am now to state for the ---

information

information of the Governor in Council that the Government of India are advised that the Prisons Act, 1894 (IX of 1894), in virtue of which the Remission Rules above alluded to were framed, does not authorise the imposition, by means of rules framed under it, of conditions subject to which the period of sentence remitted shall be passed, and to request that any rules or instructions with this object which may have been issued by the Government of Bombay may be revised --- accordingly.

3. The only sanction which can legalise the ---- imposition of such conditions is an order passed by the local Government under Section 401 of the Code of Criminal Procedure. In this connection I am to invite attention to the Home Department Resolution Nos. 234- 45 dated ---- the 12th July 1910, by which rule 20 (and the note appended to it) of the Remission Rules ^{was} ~~were~~ modified. The effect of rule 20 of the Remission Rules as now revised will be that the cases of all "life-convicts" as defined in the Rules will be submitted to the local Government when the ---- termination of the prisoner's sentence, as reduced by the grant of remission, approaches, for orders under Section 401 Criminal Procedure Code, as to ~~whether~~ and if so, what, conditions shall be imposed to be observed during the ---- period of remission granted. If conditions are imposed --- they will be enforceable by virtue of ^{the} provisions of ---- Section 401 Criminal Pro: Code. In so far as concerns "life-convicts" belonging to the Native States who are released conditionally under Section 401 of the Cr: P.C. all that appears to the Government of India to be --- required in order to secure that they shall return to and remain in their native place during the period of --- remission earned is that conditions shall be imposed ---- similar to those adopted in the case of convicts ---- conditionally released from the Andamans. I am to enclose a form in which the necessary alterations have been made and to suggest that, if the Governor in Council sees no
objection,

objection, it may be adopted with such further changes as --- may be desirable.

4. In the case of convicts not being "life-convicts" as defined in Rule 2(f) of the Remission Rules, whose cases are not ordinarily to be referred to the local Government before release, it will not be possible in the absence of an order under Section 401, Cr: Pro: Code, to subject them to Police surveillance, of a kind which requires the ---- observance on their part of conditions, whether voluntary or involuntary. In such cases however it may be possible to ensure that the men actually proceed to the Native States to which they belong by arranging to send them under escort to be released by the Political Officer or other suitable authority therein, their arrival being so timed as to --- coincide with, or not be later than, the due date of release. I am to express a hope that some arrangement of this sort will be made whenever practicable. It is further desirable that convicts thus released in Native States should be kept in view by the Police, and, with this object, the Government of India, though they do not wish to press Native States --- to adopt a uniform system of surveillance, are disposed to suggest that in all cases in which a convict belonging to a Native State is sent back to it with a view to release in the manner described, local Governments should request the --- Political Officer to move the authorities of the State to give the earliest possible intimation (i) when the Native State does not march with British India, to the Political officer (ii) and when the Native State does march with British India, to the nearest Police Station in British India or to the Superintendent of Police or the nearest British Indian District, of the fact that the prisoner has been lost sight of in that State or has actually left it for some ^{known} destination. This will enable the Police in British India to make enquiries as to his whereabouts and to keep watch over his movements, if necessary.

5. It has been suggested by the Agent to the ----

Governor

Governor General in Central India that preliminary enquiry --- should in every case be made with a view to ascertaining ---- whether the Darbar has any objection to the released prisoner ⁱⁿ residing with the State. The Government of India accept this suggestion, and desire that in all cases, when it is intended to transfer a Native State prisoner, on release, whether with or without conditions, to the State to which he belongs, the wishes of the Darbar concerned should be consulted through the Political Officer for the State in sufficient time to enable the matter to be settled before the date on which the prisoner's release falls due. Should the Native State, under the powers which Darbars possess of expelling any person from their ---- territories, decline to permit the convict to return to the ---- State, it would of course be necessary in the case of persons released conditionally under Section 401 Cr: Pro: Code, to modify the condition suggested above, and in the case of ----- unconditionally released prisoners, to dispense with the ----- Darbar's co-operation in keeping him under surveillance.

No. 1220.

JUDICIAL DEPARTMENT.

Bombay Castle, 28th February 1911.

RESOLUTION - The Government of India should be informed that no such rules or instructions as those referred to in ---- paragraph 2 of their letter have been issued by the Government of Bombay.

2. Copies of the letter from the Government of India and of its accompaniment should be communicated to the officers of Department concerned with reference to Govt. Order No. 2973 dated the 18th May 1907, with an intimation that the form of conditional release proposed in paragraph 3 of the letter --- should be adopted in the case of life-convicts belonging to Native States who are released subject to Police surveillance. The Government of India should be informed of the issue of these orders.

3. The Commissioner in Sind, the Commissioners N.D.,

U.D.,

5.

C.D. and S. D., all Political Officers and Inspector-Genl. of Prisons and the Inspector General of Police should be requested to favour Government with their opinion as to whether there is any objection to the issue of orders ---- in conformity with paragraphs 4 and 5 of the Government of India's letter in connection with the release of convicts who are not life-convicts.

Sd. K. W. Barlee,

Ag. Under Secretary to Govt.


for District Magistrate,
Dharwar.